

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-30 are pending in the application. The claims remain unchanged notwithstanding the Examiner's art rejections and *35 U.S.C. 112, first paragraph* rejection.

The *35 U.S.C. 112, first paragraph* rejection of claims 1-14 and 20-30 is traversed because the limitations "said component fibers are not knitted or woven together" in independent claim 1 and "non-textile material" in independent claim 20 find solid support in the application as filed, i.e., the drawings and page 11 of the *original* specification where a process of producing the claimed composite material is described.

In particular, an inelastic web 41 is formed by discharging a melt-blown continuous fibers 35 from a plurality of nozzles arranged transversely of moving belt 30. The fibers 35 are accumulated on moving belt 30 to describe irregular curves forming inelastic web 41. Apparently, continuous fibers 35 which are accumulated on moving belt 30 as described and shown in FIGs. 1-3 *cannot* be considered to be knitted or woven together. The disclosure therefore supports claim 1. Since continuous fibers 35 cannot be considered to be knitted or woven together, inelastic web 41 formed by said continuous fibers *cannot* be considered to be textile material as, by definition, textile material is cloth or fabric that is woven or knitted. Thus, the disclosure supports claim 20. Withdrawal of the *35 U.S.C. 112, first paragraph* rejection of claims 1-14 and 20-30 is believed appropriate and therefore courteously solicited.

Indication of allowable subject matter of claims 9-10 in the absence of applied art rejections is respectfully requested.

The repeated *35 U.S.C. 102(b)* rejection of claims 1-4, 7-8, and 13-14 as being anticipated by *WO 96/38620* is inappropriate because the reference fails to teach or disclose the limitation of independent claim 1 that "said component fibers are not knitted or woven together." *WO 96/38620* clearly requires an inelastic web that is made of textile material, and hence, the component fibers of the *WO 96/38620* inelastic web must be knitted or woven together failing to anticipate independent

claim 1. Withdrawal of the 35 U.S.C. 102(b) rejection of claims 1-4, 7-8 and 13-14 is believed appropriate and therefore courteously solicited.

The 35 U.S.C. 103(a) rejection of claims 5-6, 11-12 and 15-30 as being obvious over *Strack* is traversed because the reference fails to disclose, teach or suggest all limitations of the rejected claims.

As to claims 5-6, 11-12, 25 and 28, *Strack* or *WO 96/38620* fails to disclose, teach or suggest, at least, the limitation of independent claim 1 from which claims 5-6, 11-12, 25 and 28 depend.

As to claims 11-12 and 28, the applied reference also fails to disclose, teach or suggest the claimed elastically stretchable web being a **film**. The Examiner's argument in page 6, lines 7-10 of the Office Action is noted. However, it appears that the Examiner impermissibly disregards the teachings of *Strack* in the Abstract (lines 5-6) and column 13, lines 32-34 where *Strack* specifically *teaches away* from having an elastomeric film in his laminate. The Examiner is kindly reminded that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) quoted in *MPEP*, section 2141.03.

As to independent claim 15, the applied reference fails to disclose, teach or suggest the claimed non-woven fibrous web having an **inelastic** extensibility. The non-woven fabric web of *Strack* is **elastomeric** and cannot be considered readable on the claimed non-woven fibrous web which is inelastic.

As to claims 16-19, 26 and 29, *Strack* or *WO 96/38620* fails to disclose, teach or suggest, at least, the limitation of independent claim 15 from which claims 16-19, 26 and 29 depend.

As to independent claim 20, the applied reference fails to disclose, teach or suggest the claimed **non-textile** material.

As to claims 21-24, 27 and 30, *Strack* or *WO 96/38620* fails to disclose, teach or suggest, at least, the limitation of independent claim 20 from which claims 21-24, 27 and 30 depend.

As to claim 23, the applied reference clearly fails to disclose, teach or suggest that the fibrous, non-textile material comprises component fibers that are **randomly arranged** in said inelastically extensible web. In the textile material of *Strack* or *WO 96/38620*, the component fibers or yarns should be arranged in a well definable manner.

Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: July 8, 2003